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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,062	02/15/2002	Karl J. Wood	GB010035	1604
24737	7590	11/28/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			REKSTAD, ERICK J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/077,062

**Applicant(s)**

WOOD ET AL.

**Examiner**

Erick Rekstad

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

This is a first action for application 10/077,062 in response to the RCE filed on September 21, 2005 where in claims 1-3, 5-7, 9-14, and 16-20 are presented for examination.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 7, 9-11, 13, 14, 16, 17, and 19, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,816,158 to Lemelson et al. [claims 1, 13, 14, 19 and 20]

As shown in Figure 1, Lemelson teaches an apparatus for producing a stereoscopic image comprising display means (10) for displaying an image and user

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control means (Fig. 11) for controlling two stereoscopic parameters (shifting and width) of the image displayed by the display means (Col 7 Line 48-Col 8 Line 17); said user control means being a single control (joystick) (Col 10 Lines 26-40). Note, Lemelson specifically teaches an example of simultaneous control, where in the viewer uses the joystick to move left and back (Col 8 Lines 36-40).

As shown in Figures 9 and 10, Lemelson teaches the method for the above apparatus. Lemelson teaches the system is autostereoscopic as required by claim 14 (Col 3 Lines 50-51).

As shown above, Lemelson teaches the apparatus and method of claims 1 and 13. Lemelson further teaches the user control means is configured to adjust the image based on a user distance from the display means or a distance between eyes of said user as required by claims 19 and 20 (Col 7 Line 48-Col 8 Line 17, Figs. 5 and 6).

[claims 2 and 3]

As shown in Figure 1, Lemelson further teaches a deflections means (12) overlying said display means (10). The deflection means is a lenticular screen (Col 2 Line 61-Col 3 Line 7).

[claim 5]

As shown in Figure 11, Lemelson teaches the use of a joystick (146) for use as the control means, which is functionally equivalent to a knob (Col 4 Lines 21-24 and Col 10 Lines 20-40).

[claim 7]

Lemelson further teaches a remote device (8 of Fig. 1) communicating with said user control means (Fig. 11) (Col 8 Lines 18-54 and Col 10 Lines 20-40).

[claims 9 and 16]

As shown above for claim 1, Lemelson teaches the adjustment of the image's width to adapt to different distances of the viewer (Col 8 Lines 5-16). Note, the adjustment of the width is a change of the depth of the image in order to provide a proper view for an observer.

[claims 10 and 17]

As shown above for claim 1, Lemelson teaches the shifting of the image (Col 7 Lines 48-65). This shifting is a change of the perceived position of the image relative to the display means.

[claim 11]

As shown in Figure 11, the control allows for a forward and backwards movement (depth). The movement is further controlled by a LUT (Col 9 Lines 30-31 and Lines 62-63). Lemelson further teaches the limit of the width based on the lenticular screen (Col 8 Lines 12-17). Note, the use of the LUT provides a minimum and maximum value for the depth.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 and 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson.

[claim 12]

Lemelson teaches the use of a display device (10, Fig. 1). Lemelson further teaches the prior art of using an LCD (Col 1 Lines 62-67). Lemelson does not specifically teach what type of display the display device is. It would have been obvious to one of ordinary skill in the art at the time of the invention to use an LCD as the display device as an LCD is a well known display device in the art as taught by Lemelson.

[claim 18]

Lemelson teaches the use of the method by a graphics processor (8 of Figure 1) (Col 3 Line 64-Col 4 Line 12). Lemelson does not specifically teach the use of a computer program. It would have been obvious to one of ordinary skill in the art at the time of the invention that the processor would require a program to run the method (Official Notice).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claim 1 above, and further in view of US Patent 6,760,020 to Uchiyama.

[claim 6]

Lemelson teaches the remote control as shown in Figures 11 and 12. Lemelson does not teach the use of a graphical icon. Uchiyama teaches the use of graphical icons to provide a user a visual of the control means (Col 11 Lines 15-29, Fig. 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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provide a graphical icon for the user control in order to provide a visual of the parameters changed as taught by Uchiyama.


**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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